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PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

Report of the Secretary-General

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* A/46/150.

I. INTRODUCTION

1. On 4 December 1989, the General Assembly adopted resolution 44/30, entitled "Progressive development of the principles and norms of international law relating to the new international economic order". In that resolution, the Assembly referred to the analytical study submitted to it at its thirty-ninth session by the United Nations Institute for Training and Research (A/39/504/Add.1, annex III), and requested the Secretary-General to continue to seek proposals of Member States concerning the most appropriate procedures to be adopted with regard to the consideration of the analytical study, as well as the codification and progressive development of the principles and norms of international law relating to the new international economic order, and to include the proposals received in a report to be submitted to the Assembly at its forty-sixth session. In the said resolution, the General Assembly recommended that the Sixth Committee should consider making a final decision at the forty-sixth session of the Assembly on the question of the appropriate forum within its framework which would undertake the task of completing the elaboration of the process of codification and progressive development of the principles and norms of international law relating to the new international economic order, taking into account the proposals and suggestions made or submitted to it by Member States on the matter during that session.

2. The Secretary-General accordingly addressed to the Governments of Member States a note dated 12 February 1990 inviting them to communicate to him any views and comments that they might wish to send, pursuant to resolution 44/30.

3. The present report contains the replies received from Governments as at 15 August 1991. Further replies will be reproduced in addenda to the present report.

II. VIEWS AND COMMENTS SUBMITTED BY GOVERNMENTS

ECUADOR

[Original: Spanish]

[6 May 1991]

Ecuador favours the creation of a working group within the Sixth Committee that would continue consideration of the item. The Ecuadorian Government believes that such a working group could take the most appropriate measures to proceed with the analytical study, codification and progressive development relating to the new international economic order.

JAMAICA

[Original: English]

[10 October 1990]

The Attorney-General of Jamaica is of the view that the best way of continuing the analytical study as well as the codification and progressive development of the principles and norms of international law relating to the new international economic order is by way of an Ad Hoc Committee of the Sixth Committee. However, since that mechanism is not likely to win support because of the cost implications, what would have to be considered is a working group of the Sixth Committee which would meet during the General Assembly.

LESOTHO

[Original: English]

[26 March 1991]

The Government of the Kingdom of Lesotho attaches great importance to the question of the principles and norms of international law relating to the new international economic order. In its view, there is a need for synthesizing and harmonization of work done on the subject by other international legal bodies both within and without the United Nations system (such bodies being inter alia the International Law Association, the Asian and African Legal Consultative Committee and the United Nations Commission on International Trade Law). An analytical study along the lines of a study done by the United Nations Institute for Training and Research in the past would be appropriate for the purpose.

MALAWI

[Original: English]

[27 July 1990]

The competent authorities in the Government of the Republic of Malawi are of the view that the appropriate forum at this stage at which the task of completing the elaboration of the process of codification and progressive development of the principles and norms of international law relating to the new international economic order could be undertaken would be an open-ended intergovernmental working group within the Sixth Committee. Notwithstanding its own view, the Malawi Government would be keen to learn of and compare the opinions of others.

OMAN

[Original: Arabic]

[14 March 1991]

1. Further to the points mentioned in the reply of the Sultanate of Oman, dated 28 April 1987 and reproduced in document A/42/483, the Sultanate wishes to make the following comments.

2. At the present time, the international community is witnessing significant developments that have led to the emergence of a real concord between the Eastern and Western blocs. This concord has led, inter alia, to a change in the economic structure and visible framework of the world economy.

3. The changes that the world is witnessing show the extent to which the interests of mankind are interrelated. In view of this interrelationship and common destiny, the States of the North must pursue more realistic and comprehensive economic policies in order to help the States of the South to deal with their economic problems, particularly the following problems:

High rates of inflation;

Unstable prices of raw-material exports;

External indebtedness;

Low standards of living;

The low standard of the production and service infrastructures.

4. For its part, the Sultanate of Oman is endeavouring to ensure the success of the policy pursued by the developing countries, which are seeking to establish a new economic order, by taking the following steps:

(a) Ongoing coordination with the developing countries, through the Sultanate's participation in various international and regional organizations, with a view to creating conditions conducive to the application of the principles and norms relating to the new economic order, since most of the objectives of these organizations are consistent with the objectives of the new economic order;

(b) Continued application of the open-market economic system, without any protectionist, restrictive or discriminatory practices in regard to trade except to the extent needed to protect the Sultanate's fledgling industries from detrimental competition and dumping;

(c) The conclusion of further bilateral agreements in keeping with the aims of the new economic order, particularly in regard to the regulation of foreign investment, non-discriminatory treatment and appropriate compensation in the event of the nationalization of foreign investments;

(d) Contribution to the development of international trade in commodities, paying due regard to the interests of both producers and consumers. For example, although it is not a member of the Organization of Petroleum Exporting Countries (OPEC), the Sultanate has played a prominent role in the promotion of coordination and cooperation with a view to the formulation of appropriate policies for the production and pricing of petroleum, which will ultimately stabilize the petroleum market and, consequently, stabilize the world economy by protecting it from shocks such as those experienced in the 1970s.

VENEZUELA

[Original: Spanish]

[28 August 1990]

1. The views and comments of the Government of Venezuela on the progressive development of the principles and norms of international law relating to the new international economic order are as follows.

2. The first time this topic was included in the provisional agenda of the Sixth Committee, in 1975, an intensive debate had taken place in the Economic and Social Council on economic development and the need to change the prevailing conditions under which international economic relations were conducted. At that time, States were pressing for the establishment of a new international economic order, the legal aspects of which were to be considered by the Sixth Committee.

3. In 1984, the work of that Committee was supplemented by the United Nations Institute for Training and Research (UNITAR), which prepared at the request of the Secretary-General an analytical study of the progressive development of the principles and norms of international law relating to the new international economic order. In subsequent years, the General Assembly has urged Member States to submit views and comments on the study and on the most appropriate procedure for determining the process of progressive development of the principles and norms of international law relating to the new international economic order. This year, during the forty-fifth regular session of the General Assembly, a final decision is to be adopted on the question of the most appropriate forum, within the Sixth Committee, in which to supplement the process of codification and progressive development of the principles and norms of international law relating to the new international economic order.

4. For these reasons Venezuela, as an instigator of the call for the establishment of a new international economic order, will continue to back efforts in this direction and will support, in the Sixth Committee, the establishment of a special commission to be responsible for the task of codifying and developing the international legal norms which will definitively embody a new international economic order.